

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

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In The Matter of:	:	<u>COMPLAINT, COMPLIANCE ORDER</u>
	:	<u>AND NOTICE OF OPPORTUNITY</u>
Central Steel Drum Company, Inc.:	:	<u>FOR HEARING</u>
704 Doremus Avenue	:	
Newark, New Jersey 07105	:	
NJD011482577	:	
Respondent	:	
Proceeding Under Section 3008	:	Docket No. II RCRA-94-0101
of the Solid Waste Disposal	:	
Act, as amended.	:	
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I. COMPLAINT

1. This is a civil administrative proceeding instituted pursuant to Section 3008 of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6901 et seq. ("RCRA").

2. Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), provides that the Administrator of the United States Environmental Protection Agency ("EPA") may, if certain criteria are met, authorize a state to operate a hazardous waste program in lieu of the federal program. The State of New Jersey received final authorization to administer its base hazardous waste program on February 21, 1985. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes EPA to enforce the provisions of the authorized State program, and the regulations promulgated thereunder.

3. The Complainant in this proceeding, Conrad Simon, Director of the Air & Waste Management Division of the U.S. Environmental Protection Agency, Region II, has been duly delegated the authority to institute this action. The Complainant is issuing this Complaint, Compliance Order, and Notice of Opportunity for Hearing to the Respondent, Central Steel Drum Company, Inc., as the result of the Respondent's failure to respond to a Request for Information issued pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

4. Respondent is a domestic corporation, and a "person" as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and in the New Jersey Administrative Code ("N.J.A.C.") 7:26-1.4.

5. Respondent owns and/or operates a facility located at 704 Doremus Avenue in Newark, New Jersey (the "Facility").
6. Respondent is engaged in the reconditioning of metal drums at the Facility.
7. On or about August 18, 1980, Respondent informed EPA that it conducts activities at the Facility involving "solid waste" and "hazardous waste," as those terms are defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and in N.J.A.C. 7:26-1.4 and 7:26-1.6.
8. On information or belief, by reason of its activities at the Facility, Respondent is a "generator" of hazardous waste, as that term is defined in 40 C.F.R. § 260.10 and N.J.A.C. 7:26-1.4.
9. In response to the notice alleged above in paragraph 7, EPA provided Respondent with EPA identification number NJD011482577 for the Facility as a generator of hazardous waste.
10. On or about December 27, 1993, EPA issued to Respondent a Request for Information pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927 (the "Request").
11. The Request was issued by the Complainant and required Respondent to provide the information requested within ten (10) business days from receipt by Respondent.
12. The Request for information was received by the Respondent on December 30, 1993.
13. As of February 22, 1994, Respondent had failed to respond to the Request.
14. By letter dated February 22, 1994, EPA notified Respondent that it had failed to comply with the Request and extended Respondent's time to respond until March 4, 1994.
15. As of the date of the issuance of this Complaint, Compliance Order and Notice of Opportunity for Hearing, Respondent has failed to provide any response to the Request.
16. Respondents' failure to respond to the Request constitutes a violation of Section 3007 of RCRA, 42 U.S.C. § 6927.

PROPOSED CIVIL PENALTY

Based on the violation referenced above, and pursuant to the authority of Section 3008(a)(3) of RCRA, 42 U.S.C. §6928, Complainant herewith proposes the assessment of a civil penalty in the amount of fifty-seven thousand dollars (\$57,000) against Respondent, for failure to respond to the Request. Payment of such penalty does not release Respondent from its obligation to submit the information required by the Request.

II. COMPLIANCE ORDER

Based upon the foregoing, and pursuant to the authority of Section 3008 of RCRA, Complainant hereby orders the Respondent to answer in writing the questions in the Request in accordance with the instructions therein, and to return said written answers to the following address within twenty (20) calendar days of the effective date of this order:

Mr. George C. Meyer, P.E., Chief
Hazardous Waste Compliance Branch
U.S. Environmental Protection Agency, Region II
26 Federal Plaza, Room 1000F
New York, New York 10278

NOTICE OF LIABILITY FOR ADDITIONAL CIVIL PENALTIES

Pursuant to the terms of Section 3008(c) of RCRA, a violator failing to take corrective action within the time specified in a Compliance Order is liable for a civil penalty of up to \$25,000 for each day of continued noncompliance. Such continued noncompliance may also result in suspension or revocation of any permits issued to the violator, whether issued by the Administrator or the State.

III. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

As provided in Section 3008(b) of RCRA, 42 U.S.C. §6928(b), and in accordance with EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22, 45 Fed. Reg. 24,360 (April 9, 1980) (a copy of which accompanies this Complaint, Compliance Order and Notice of Opportunity for Hearing), you have the right to request a Hearing to contest any material fact set out in the Complaint, or to contest the appropriateness of the proposed penalty, or the terms of the Compliance Order. Consistent with the provisions of Section 3008(b) of RCRA, should you request such a public Hearing, notice of the Hearing will be provided and the Hearing will be open to

the general public. However, in the absence of such a specific request, public notice of a scheduled Hearing will not be published.

To avoid being found in default and having the proposed civil penalty assessed and the Compliance Order confirmed without further proceedings, you must file a written Answer to the Complaint, which may include a request for a Hearing. Your Answer, if any, must be addressed to the U.S. Environmental Protection Agency, Regional Hearing Clerk, 26 Federal Plaza, New York, New York 10278, and must be filed within thirty (30) days of your receipt of this Complaint, Compliance Order, and Notice of Opportunity for Hearing.

The Answer must clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint, and should contain (1) a clear statement of the facts which constitute the grounds of your defense, and (2) a concise statement of the issues which you intend to raise at the Hearing.

The denial of any material fact, or the raising of any affirmative defense, will be construed as a request for a Hearing. Failure to deny any of the factual allegations in the Complaint will be deemed to constitute an admission of the undenied allegations. Failure to file a written Answer within thirty (30) days of receipt of this instrument will be deemed to represent your admission of all facts alleged in the Complaint and a waiver of your right to a formal Hearing to contest any of the facts alleged by the Complainant. A default may result in the final issuance of the Compliance Order, and assessment of the proposed civil penalty, without further proceedings.

INFORMAL SETTLEMENT CONFERENCE

Whether or not you request a Hearing, the EPA encourages settlement of this proceeding consistent with the provisions of RCRA. At an informal conference with a representative of the Complainant you may comment on the charges and provide whatever additional information you feel is relevant to the disposition of this matter, including any actions you have taken to correct the violation, and any other special circumstances you care to raise. The Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with you in such a conference, or to recommend that any or all of the charges be dismissed, if the circumstances so warrant. A request for an informal conference and other questions that you may have regarding this Complaint, Compliance Order, and Notice of Opportunity for Hearing should be directed to Richard J. Weisberg, Assistant Regional Counsel, Air, Waste & Toxic Substances Branch, Office of Regional Counsel, U.S.

Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, telephone (212) 264-6259.

Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written Answer and Request for a Hearing must be submitted. The informal conference procedure may be pursued as an alternative to, or simultaneously with, the adjudicatory hearing procedure. However, no penalty reduction will be made simply because such a conference is held.

Any settlement which may be reached as a result of such conference will be embodied in a written Consent Agreement and Consent Order to be issued by the Regional Administrator. Signing of such Consent Agreement in this matter shall constitute a waiver of the right to request and to obtain a formal Hearing on any matter stipulated to therein. Entering into a settlement through signing of such Consent Agreement and continued compliance with the terms and conditions set forth in both the Consent Agreement and Compliance Order will terminate this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Entering into a settlement, and your continuing compliance with the conditions set forth in the Compliance Order, do not extinguish, satisfy, or otherwise affect your obligation and responsibility to comply with all other applicable regulations and requirements set forth in, and/or promulgated pursuant to, RCRA, and to maintain such compliance.

RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an Answer, requesting a Hearing, or requesting an informal settlement conference, you may choose to comply with the terms of the Compliance Order and pay the proposed penalty. Such payment should be made by sending a cashier's or certified check payable to the "Treasurer, United States of America," in the full amount of the penalty specified in the "Proposed Civil Penalty" section of this Complaint to the Regional Hearing Clerk, EPA - Region II, P.O. Box 360188M, Pittsburgh, PA 15251. If you elect to resolve this proceeding in this manner, the effective date of the Compliance Order shall be ten (10) days after the date of your check. A copy of your letter transmitting the check and a copy of the check should be sent to Richard J. Weisberg at the address cited above.

DATED:

April 8, 1994

COMPLAINANT:

Neil S. Simon
CONRAD SIMON

Director
Air and Waste Management Division
Environmental Protection Agency
Region II

TO: Mr. Allen I. Fischer
President
Central Steel Drum Company, Inc.
704 Doremus Avenue
Newark, New Jersey 07105

cc: James Hamilton
Assistant Director
Water and Hazardous Waste Enforcement
New Jersey Department of
Environmental Protection and Energy
401 East State Street
CN 422
Trenton, New Jersey 08625

bcc: Joseph Clore 2OPM-ISB
Carolyn Carr, RATTs Coordinator
George Meyer, 2AWM-HWC
Mary Breitenback, 2EPD
Jim Sullivan, 2AWM-HWC ✓

Certificate of Service

This is to certify that on the 11th day of April 1994, I served a true and correct copy of the foregoing Complaint and a copy of the Consolidated Rules of Practice by certified mail to Mr. Allen I. Fischer, President, Central Steel Drum Company, Inc., 704 Doremus Avenue, Newark, New Jersey 07105. I hand carried the original and a copy of the foregoing Complaint to the Regional Hearing Clerk.

Jessie Freeman

ATTACHMENT I
REASONING BEHIND PROPOSED PENALTY

Pursuant to 40 C.F.R. § 22.14(a)(4) and (5), EPA is providing you with this statement explaining the reasoning behind the proposed penalty assessed for the violation cited in this Complaint. Attached is a Penalty Computation Worksheet for said violation.

RCRA Section 3008(a)(3) states that the seriousness of the violation must be taken into account in assessing penalties. The seriousness of a violation is based on the potential for harm and extent of the deviation from a statutory or regulatory requirement, which provide the basis for determining the gravity based penalty.

ATTACHMENT II

PENALTY COMPUTATION WORKSHEET

Facility Name: Central Steel Drum Company, Inc.

Address: 704 Doremus Avenue, Newark, New Jersey

Requirement Violated: Failure to respond to Section 3007
Request For Information.

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$20,000.00
 - (a) Potential for harm.....MAJOR
 - (b) Extent of Deviation.....MAJOR
2. Select an amount from the appropriate multi-day matrix cell.....\$1,000
3. Multiply line 2 by number of days of violation minus 1 (\$1,000 x 37).....\$37,000
4. Add line 1 and line 3.....\$57,000.00
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance....N/A
8. Total lines 5 through 7.....N/A
9. Multiply line 4 by line 8.....N/A
10. Calculate economic benefit.....N/A

[The economic benefit of non-compliance is calculated to be below \$2500.00]
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint.....\$57,000.00

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

1. Gravity Based Penalty

(a) Potential for Harm: MAJOR - The Potential for Harm present in this violation was determined to be MAJOR because of the substantial adverse effect on the basic purpose of the RCRA program. The collection of information is essential to the EPA in order to determine compliance of the regulated community with hazardous waste management requirements pursuant to RCRA and its implementing regulations.

(b) Extent of Deviation: MAJOR - The Extent of Deviation present in this violation was determined to be MAJOR because the applicable statutory requirement was not complied with.

The applicable matrix cell ranges from \$20,000 to \$25,000. In the circumstances of this particular violation, the low range of the cell was selected.

(c) Multiple/Multi-day Violations: Major potential for harm and major extent of deviation invoke the mandatory assessment of multi-day penalties. Multi-day penalties were assessed for 37 days of continuing noncompliance with the Request subsequent to March 5, the first day of noncompliance, through and including April 11, 1994, the day on which this Complaint, Compliance Order, and Notice of Opportunity for Hearing was served.

2. Adjustment Factors

- (a) Good Faith: Not applicable.
- (b) Willfulness/Negligence: Not applicable.
- (c) History of Noncompliance: Not applicable.
- (d) Ability to Pay: Not applicable.
- (e) Environmental Project: Not applicable.
- (f) Other Unique Factors: Not applicable.

3. Economic Benefit: The total economic benefit of non-compliance is less than \$ 2,500.

4. Recalculation of Penalty Based on New Information: Not applicable.

ATTACHMENT III

MATRIX

EXTENT OF DEVIATION FROM REQUIREMENT

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	MAJOR	MODERATE	MINOR
MAJOR	\$25,000 TO 20,000	\$19,999 TO 15,000	\$14,999 TO 11,000
MODERATE	\$10,999 TO 8,000	\$7,999 TO 5,000	\$4,999 TO 3,000
MINOR	\$2,999 TO 1,500	\$1,499 TO 500	\$499 TO 100

ATTACHMENT IV

MULTI-DAY MATRIX

EXTENT OF DEVIATION FROM REQUIREMENT

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	MAJOR	MODERATE	MINOR
MAJOR	\$5,000 TO 1,000	\$4,999 TO 750	\$3,000 TO 550
MODERATE	\$2,200 TO 400	\$1,600 TO 250	\$1,000 TO 150
MINOR	\$600 TO 100	\$300 TO 100	\$100

PITNEY, HARDIN, KIPP & SZUCH

(MAIL TO) P.O. BOX 1945, MORRISTOWN, N.J. 07962-1945

(DELIVERY TO) 200 CAMPUS DRIVE, FLORHAM PARK, N.J. 07932-0950

(201) 966-6300

ATTORNEYS FOR Respondent, Central Steel Drum Company, Inc.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II**

In the Matter of:	:	ANSWER
	:	AND REQUEST FOR HEARING
Central Steel Drum Company, Inc.	:	
704 Doremus Avenue	:	
Newark, New Jersey 07105	:	
Respondent	:	
Proceeding Under Section 3008	:	Docket No. II RCRA-94-0101
of the Solid Waste Disposal	:	
Act, as amended	:	

Central Steel Drum Company, Inc. ("CSD"), a New Jersey corporation with a principal place of business at 704 Doremus Avenue, Newark, New Jersey, by way of Answer to the Complaint says:

1. CSD admits that EPA has brought this action pursuant to Section 3008 of RCRA.

2. CSD admits that the State of New Jersey has been authorized to administer RCRA and that EPA has the authority to enforce the provisions of the State program.

3. CSD is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Complaint.

4. CSD admits the allegations contained in paragraph 4 of the Complaint.

5. CSD admits that it operated a facility located at 704 Doremus Avenue in Newark ("the Facility"). However, CSD has ceased those operations.

6. CSD admits that it reconditioned metal drums at the Facility. However, CSD has ceased those operations.

7. CSD admits the allegations contained in paragraph 7 of the Complaint.

8. CSD admits that it was a generator of hazardous waste. However, CSD has ceased those operations.

9. CSD admits that EPA provided CSD with EPA identification number NJD011482577.

10. CSD admits the allegations contained in paragraph 10 of the Complaint.

11. CSD admits that EPA issued the information request and admits that the information request purportedly required a response within ten (10) business days from receipt by CSD.

12. CSD admits the allegations contained in paragraph 12 of the Complaint.
13. CSD admits the allegations contained in paragraph 13 of the Complaint.
14. CSD admits the allegations contained in paragraph 14 of the Complaint.
15. CSD denies the allegations contained in paragraph 15 of the Complaint for the reasons set forth in CSD's Affirmative Defenses below.
16. CSD denies the allegations contained in paragraph 16 of the Complaint for the reasons set forth in CSD's Affirmative Defenses below.

FIRST AFFIRMATIVE DEFENSE

CSD asserts that EPA is aware that CSD has ceased operations at the Facility, and as a result, there are no operations for which to respond to EPA's information request. Nevertheless, if EPA still believes that a response is required, CSD requests that EPA contact CSD's attorneys to discuss what response may still be required and to discuss a deadline for submitting this response. CSD further requests that the proposed penalty be withdrawn because CSD was no longer in operation when the response to the information request was due to EPA.

SECOND AFFIRMATIVE DEFENSE

CSD requests in the alternative that any penalty that might be assessed for this violation be substantially reduced as this alleged violation is simply a paperwork error and has resulted in no harm to the environment.

REQUEST FOR A HEARING

Pursuant to Section 3008(b) of RCRA, CSD hereby requests a hearing to contest the validity and appropriateness of the proposed penalty assessment. Without waiving its right to a hearing, CSD would prefer to resolve this matter through informal settlement discussions, as provided for in the Notice of Opportunity to Request a Hearing.

PITNEY, HARDIN, KIPP & SZUCH
Special Environmental Counsel for
Debtor-Plaintiff
Central Steel Drum Company, Inc.

Dated: June 15, 1994

BY: 

PETER J. HERZBERG
A Member of the Firm



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278-0012

Jeffrey Sterling, Chief
Division of Facility Wide Enforcement
New Jersey Department of Environmental
Protection and Energy
2 Babcock Place
West Orange, NJ 07052

Dear Mr. Sterling:

This letter confirms our conversation of April 5, 1994, in which I informed you that the U.S. Environmental Protection Agency, Region II, was going to issue a complaint to Central Steel Drum for non-response to our Resource Conservation and Recovery Act (RCRA) Section 3007 Request for Information. Attached are copies of the information request letter and our follow-up letter notifying the company that they were in violation of RCRA 3007.

If you have any questions concerning this matter, please call me at (212) 264-2638.

Sincerely,

Original signed by
Joel Golumbek

Joel Golumbek, Chief
New Jersey/Caribbean Hazardous Waste Compliance Section

Attachments

bcc: R. Weisberg, 2ORC-WTSB
J. Sullivan, 2AWM-HWC

yellow

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278-0012

FEB 29 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jerry Greenberg
Vice President
Central Steel Drum Company
704 Doremus Avenue
Newark, New Jersey 07105

Re: Central Steel Drum Company
NJD011482577

Dear Mr. Greenberg:

The purpose of this letter is to notify you that the Central Steel Drum Company (CSD) has not conformed to the requirements of the U.S. Environmental Protection Agency's (EPA) December 27, 1993, Request for Information pursuant to Section 3007 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927. This request required that the information be submitted no later than ten (10) business days from receipt of the December 27, 1993, Request for Information. Additionally, CSD did not follow the procedure which stated that requests for additional time must be made within five (5) days of receipt of the Request for Information. Such non-compliance with the terms of a Section 3007 Request for Information is a violation of RCRA and subjects CSD to Section 3008(a) enforcement authority.

As per your conversation with Mr. James Sullivan, of my staff, it is my understanding that the EPA will receive the CSD's response by March 4, 1994.

Should you have any questions regarding this matter, please direct them to Mr. James Sullivan, of my staff, at (212) 264-5150.

Sincerely,

Robert J. Columbek, Chief

Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

U.S. MAIL



REGION II

NEW YORK, NEW YORK 10278-0012

RETURN RECEIPT REQUESTED

Dear Mr. Fischer:

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA may require parties who handle or have handled hazardous waste to provide information relating to such wastes. Pursuant to the statutory provisions cited above, EPA hereby requires that you provide the information requested in Attachment I to this letter using the instructions and definitions included in Attachment II. This information request has been issued to obtain information related to the management and handling of hazardous waste at Central Steel Drum Company facility in Newark, New Jersey (NJ011482577). This information is necessary to determine the compliance status of the Central Steel Drum Company.

Please provide the information requested no later than ten (10) business days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within five (5) days of receipt of this letter. The response must be signed by a responsible official or agent of your company.

2

PRINTED ON RECYCLED PAPER

the response to the request in the attachment must be mailed to the following two (2) addressees:

Ms. Christine McCulloch
Office of Regional Counsel, Room 400
U.S. Environmental Protection
Agency - Region II
26 Federal Plaza
New York, New York 10278

Mr. James Sullivan
NJ/Caribbean Compliance Section
Hazardous Waste Compliance Branch
Air and Waste Management Division
U.S. Environmental Protection
Agency - Region II
26 Federal Plaza
New York, New York 10278

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed with the legend, or other suitable form of notice, such as "trade secret," "proprietary," or "company confidential." The claim should set forth the information requested in 40 C.F.R. § 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of such information and may, at its discretion challenge the confidentiality claim pursuant to the procedure set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

Failure to respond in full to this requirement is a violation of RCRA and may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

If you have any questions about this letter, please call Mr. James Sullivan at (212) 264-6150. Notice that all inquiries from attorneys must be directed to Ms. McCulloch of the Office of Regional Counsel at (212) 264-5687.

Sincerely yours,

Original signed by
Conrad Simon

Conrad Simon, Director
Air & Waste Management Division

Attachments

bcc: Jim Sullivan, 2AWM-HWC (w/atts.)
Joseph Clore, 2OPM-ISS (w/atts.)
Christine McCulloch, 2ORC-AWTS (w/atts.)

ATTACHMENT I

The purpose of the following questions and requests is to obtain precise understanding of the Central Steel Drum Company's reuse of the abrasive utilized to remove paint from the exterior of drums undergoing reconditioning at the facility. This abrasive after use is then referred to by the company as Blaster Dust. The questions and requests are as follows:

- 1) a) Please provide copies of any waste analysis results of the facility's Blaster Dust.
b) Indicate where in the process the sample was collected and the date of collection.
- 2) Describe, in detail, the facility's reuse and management of Blaster Dust. Be certain to indicate when the current reuse procedures were instituted and what modifications they have undergone since their inception.
- 3) a) Prior to the reuse of Blaster Dust, is there any reprocessing of the dust that is required, such as the separation of steel shot and paint chips?
b) If there is reprocessing, please indicate what equipment and/or what procedures are employed to accomplish this reprocessing.
c) If the reprocessing generates any residuals, how are the residuals managed?
- 4) What is the criteria used by Central Steel Drum to determine that the Blaster Dust is no longer suitable for reuse?
- 5) a) Since 1990, indicate the number or times that Blaster Dust was determined to be no longer fit for reuse?
b) For each of these times, indicate the amount of Blaster Dust that could no longer be reused and the approximate dates these determinations were made.
c) How was this unusable Blaster Dust managed?
- 6) From 1990 until the present, please provide documentation of any purchases of the steel shot or any other grit used to remove paint from the exterior of drums. This documentation should indicate the date and amount of each purchase.
- 7) a) Indicate the quantity of Blaster Dust currently being stored at the Central Steel Drum facility.

b) Indicate the type of container which the Blaster Dust is being stored in.

a) Has any Blaster Dust been shipped off-site since July 9, 1993?

b) If so, please provide the hazardous waste manifest or shipping papers associated with such a shipment.

a) Has Central Steel Drum received containers with greater than 1" of residue?

b) If Central Steel Drum has accepted containers with greater than 1" of residue, what does Central Steel Drum do with the containers (e.g., store the containers; immediately send containers back to where they came from; forward the containers on to a TSD; etc)?

c) If Central Steel Drum does not return the container with greater than an 1" of residue immediately, how long is the container stored at Central Steel Drum before its is shipped off-site?

d) If the containers with greater than 1" of residue are stored at Central Steel Drum, describe how the containers are stored?

e) Does Central Steel Drum, before it returns the containers with greater than one 1" of residue or ships such containers to another facility, determine if the material in the container is a hazardous waste?

f) Provide the hazardous waste manifests, bills of lading or equivalent shipping papers used when shipping drums which were received from customers containing greater than one inch of residue back to the customer or another facility.

g) Provide any other reports or notices, not specified in question 9(f), that may be required by law if a container with greater than 1" of residue is determined to be a hazardous waste.

ATTACHMENT II

INSTRUCTIONS AND DEFINITIONS

responding to this Request for Information, apply the following instructions and definitions:

The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility. The Signatory must complete and return the attached Certification of Answers to Responses to Request for Information.

2. A complete response must be made to each individual question in this request for information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.

The company and/or facility for the purposes of this Request for Information is Central Steel Drum Company, 704 Doremus Avenue, Newark, New Jersey (NJDO11482577).

1. A generator of hazardous waste for the purposes of this Request for Information shall be defined as any person (which includes this facility), by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.
2. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. § 6903(5) and in 40 C.F.R. § 261.3.
13. Manage shall be defined for the purposes of this Request for Information as a market, generate, treat, store, dispose or otherwise use.
14. Hazardous Constituents shall be defined as those substances listed in 40 C.F.R. Part 261 Appendix VIII.
15. The term Solid Waste Management Unit (SWMU) applies to any landfill, surface impoundment, land application area, waste pile, incinerator, tank, injection well, transfer station, waste recycling operation, tank or container storage area that currently or formerly was used to manage a solid waste.

CERTIFICATION OF ANSWERS TO RESPONSES TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

DATE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278-0012

April 20, 1994

Mr. Allen I. Fischer
President
Central Steel Drum Company, Inc.
704 Doremus Avenue
Newark, New Jersey 07105

Re: Central Steel Drum Company, Inc. Dkt. No. II RCRA-94-0102

Dear Mr. Fischer:

Please be advised that the docket number on the first page of the complaint in the referenced proceeding, previously served on you, is incorrect. The docket number on the complaint previously served on you was II RCRA-94-0101. The correct docket number is II RCRA-94-0102. Annexed is a new first page of the complaint, bearing the corrected docket number. Please refer to the correct docket number, II RCRA-94-0102, in any future correspondence concerning this proceeding.

Very truly yours,

A handwritten signature in dark ink, which appears to read "Richard J. Weisberg", is written over the typed name.

Richard J. Weisberg
Assistant Regional Counsel

cc: James Hamilton
Assistant Director
Water and Hazardous Waste Enforcement
New Jersey Department of
Environmental Protection and Energy
401 East State Street
CN 422
Trenton, New Jersey 08625

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

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In The Matter of: : COMPLAINT, COMPLIANCE ORDER
: AND NOTICE OF OPPORTUNITY
Central Steel Drum Company, Inc.: FOR HEARING
704 Doremus Avenue :
Newark, New Jersey 07105 :
NJD011482577 :
Respondent :
:
Proceeding Under Section 3008 : Docket No. II RCRA-94-0102
of the Solid Waste Disposal :
Act, as amended. :
-----X

I. COMPLAINT

1. This is a civil administrative proceeding instituted pursuant to Section 3008 of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6901 et seq. ("RCRA").
2. Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), provides that the Administrator of the United States Environmental Protection Agency ("EPA") may, if certain criteria are met, authorize a state to operate a hazardous waste program in lieu of the federal program. The State of New Jersey received final authorization to administer its base hazardous waste program on February 21, 1985. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes EPA to enforce the provisions of the authorized State program, and the regulations promulgated thereunder.
3. The Complainant in this proceeding, Conrad Simon, Director of the Air & Waste Management Division of the U.S. Environmental Protection Agency, Region II, has been duly delegated the authority to institute this action. The Complainant is issuing this Complaint, Compliance Order, and Notice of Opportunity for Hearing to the Respondent, Central Steel Drum Company, Inc., as the result of the Respondent's failure to respond to a Request for Information issued pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.
4. Respondent is a domestic corporation, and a "person" as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and in the New Jersey Administrative Code ("N.J.A.C.") 7:26-1.4.

bcc: Joseph Clore 20PM-ISB
Carolyn Carr, RATTs Coordinator
George Meyer, 2AWM-HWC
Jim Sullivan, 2AWM-HWC

Certificate of Service

This is to certify that on the 20th day of April 1994, I served a true and correct copy of the foregoing first page of the Complaint herein, modified to correct the docket number from II RCRA-94-0101 to II RCRA-94-0102, and the accompanying letter of Richard J. Weisberg, also dated April 20, 1994, by certified mail to Mr. Allen I. Fischer, President, Central Steel Drum Company, Inc., 704 Doremus Avenue, Newark, New Jersey 07105. I hand carried the original and a copy of the same to the Regional Hearing Clerk.

Jessie Freeman